IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

Bail Appl..No. 5958 of 2007()

CRIME NO.79/07 OF KANJIKUZHI POLICE STATION

: PETITIONER/ACCUSED NOS.9,10 & 11

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1. SHIBU, S/O. KURIAN,
KALLUVETTAMKUZHYIL HOUSE, KANJIKUZHI VILLAGE,
THODUPUZHA TALUK.

2. SHAJAN, S/O. KURIAN,
KALLUVETTAMKUZHYIL HOUSE, KANJIKUZHI VILLAGE,
THODUPUZHA TALUK.

3. JOY, S/O. KURIAN,
KALLUVETTAMKUZHYIL HOUSE, KANJIKUZHI VILLAGE,
THODUPUZHA TALUK.

BY ADV. SRI.GEORGEKUTTY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 5958 OF 2007

Dated this the 3rd day of October, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 9, 10 and 11. They along with the co-accused face allegations, inter alia, under Secs.308 and 324 read with Sec.149 of the IPC. Some of the co-accused have already been granted anticipatory bail by orders in B.A.Nos.4125/07 and 4539/05.

2. I have already adverted to the facts in detail in the said orders. This order must be read in continuation of the said orders. I am hence not adverting to the facts in any greater detail in this order.

3. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor submits that the investigation is complete. Final report has already been filed

and the case has been taken on file by the learned Magistrate as C.P.No.55/07.

4. I am satisfied that the petitioner can also be granted anticipatory bail subject to appropriate conditions as were imposed on the co-accused.

5. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 9/10/07. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 10/10/07 and 11/10/07. During this period the Investigating Officer shall be entitled to interrogate the petitioners in custody and effect recovery if any. Thereafter they shall appear before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to

arrest the petitioners and deal with them in accordance with law as if these directions were not issued at all;

(iv) If the petitioners were arrested prior to their surrender on 9/10/07 as directed in clause (i) above, they shall be released on their executing bonds for Rs.25,000/- each without any sureties undertaking to appear before the learned Magistrate on 9/10/07.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge